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Telephone (801) 538-3872

BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF UTAH

COMPLAINANT:

UTAH INSURANCE DEPARTMENT

RESPONDENT:

FRANCES L. DUFOUR
889 W. 4100 S.
Riverdale, UT 84405
License No. 69829

ORDER ON HEARING

Docket No. 2004-491-LC

Enf. Case No. 1478

This matter came on for hearing on Tuesday, November 9, 2004, at 9:00 a.m. on an Order to Show Cause why Respondent's insurance agent's license should not be revoked for a failure to obey an Order of the Commissioner. The Complainant appeared by and through its counsel, M. Gale Lemmon, Assistant Attorney General. The Respondent failed to appear either in person or by representation, and her default was entered. Janice Shaw, Market Conduct Examiner for the Producer Licensing Division of the Utah Insurance Department was sworn and gave testimony. Based upon uncontested evidence presented, the Presiding Officer enters the following

FINDINGS OF FACT

1. On or about June 15, 2004, the department undertook a routine audit of the Respondent's continuing education compliance.

2. Respondent failed to respond to the enquiries of the commissioner, and on July 29, 2004, the department instituted an informal adjudicative proceeding for failure to obey an order of the commissioner, assessing an administrative forfeiture in the amount of \$250.00, and ordering the Respondent to provide a substantive response to the commissioner's inquiry within 10 days after the Order became final. The Respondent did not request a hearing and the Order became final on August 13, 2004, and is not subject to appeal.

3. Respondent paid the administrative forfeiture on October 19, 2004, but failed to provide any substantive response to the commissioner's inquiry, despite follow-up efforts by department personnel.

4. On October 22, 2004, a Motion and Order to Show Cause was issued, setting a hearing for Tuesday, November 9, 2004, ordering the Respondent to show cause why her license should not be revoked for failure to obey an order of the commissioner.

5. Following the issuance of the Order to Show Cause, the Respondent faxed information to the department on November 2, 2004 regarding her continuing education compliance, showing that she had not completed any of the required continuing education prior to submitting her application for renewal on April 27, 2004, although she had answered the question on the renewal form affirming that she had completed the required continuing education.

Based upon the above Findings of Fact, the presiding officer now enters his

CONCLUSIONS OF LAW

1. Respondent failed to obey an Order of the Commissioner dated July 29, 2004, by failing to provide a substantive response to an inquiry of the commissioner prior to August 23, 2004, as ordered.

2. Respondent failed to complete the required continuing education prior to submitting her application for renewal of her license, in violation of Utah Code Ann. § 31A-23a-105(1)(c).

3. Respondent is subject to the assessment of administrative forfeitures in the amount of up to \$2,500.00 for each violation of the Utah Insurance Code and for violation of an Order of the Commissioner under Utah Code Ann. § 31A-2-308(1)(b)(i) and (1)(c)(i).

4. Pursuant to Utah Code Ann. § 31A-23a-111(4)(a)(ii), the Respondent's license is subject to suspension under Utah Code Ann. § 31A-32a-(4)(b)(i), (4)(b)(ii)(A) and (C).

Based upon the forgoing Findings of Fact and Conclusions of Law, the presiding officer now enters the following

ORDER

IT IS HEREBY ORDERED:

1. Respondent's insurance agent's license is suspended forthwith. Said suspension shall continue for 21 days following the date the Respondent provides evidence satisfactory to the department that she has completed all required continuing education for the last renewal of her license and has paid the forfeiture assessed herein.

2. Respondent is assessed an administrative forfeiture in the amount of \$500.00, to be paid within 30 days of the date of this Order.

3. During the period of suspension of Respondent's license, Respondent shall not act as an insurance agent or engage in the business of insurance in the State of Utah.

4. Upon the termination of the suspension of Respondent's license, Respondent's license shall be placed on probation for a period of 24 months. The terms of probation are that Respondent shall have no further violations of the Utah Insurance Code or Rules or of any order

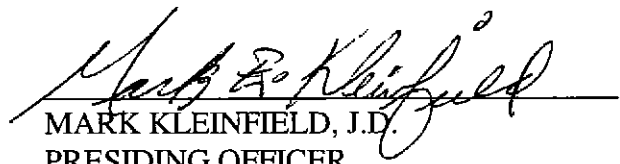
of the Commissioner, and further that Respondent shall complete all required continuing education prior to next renewal of her license.

NOTIFICATION

You are hereby notified that a failure to obey this Order of the commissioner may subject you to further penalties, including forfeitures of up to \$2,500.00 per violation and the suspension or revocation of your license and the filing of an action in District Court, which may impose forfeitures of up to \$10,000.00 per day for continued violation.

DATED this 12th day of November, 2004.

MERWIN U. STEWART
INSURANCE COMMISSIONER


MARK KLEINFELD, J.D.
PRESIDING OFFICER

Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, Utah 84114
Telephone (801) 538-3800

CERTIFICATE OF MAILING

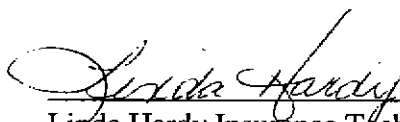
I do hereby certify that on this date I mailed, by regular mail, postage prepaid, a true and correct copy of the attached:

ORDER ON HEARING

To the following:

Frances L. Dufour
P.O. Box 9212
Ogden, UT 84409-9212

DATED this 15th day of November, 2004

A handwritten signature in cursive script, reading "Linda Hardy", is written over a horizontal line.

Linda Hardy Insurance Technician
Utah Department of Insurance
State Office Building, Room 3110
Salt Lake City, UT 84114-6901
(801) 538-3813

Invoice**Due Date** 12-15-2004**Amount Due**

\$500.00

Invoice ID 223969**Payor ID** 3293**Total Amount Remitted** \$

Make Checks Payable To:

Utah Insurance Department**3110 State Office Building****Salt Lake City, UT 84114-6901**

FRANCES L DUFOUR
3680 PACIFIC AVE
PO BOX 9212
OGDEN UT 84409-9212

Invoice ID 223969**Payor ID** 3293**Invoice Print Date** 11-15-2004**Items:**

11-15-2004	Monetary Penalty Individual	500.00
	E-case 1478 Docket 2004-491LC from order on hearing	

Amount Due..... \$500.00